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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE RUBEN B. BROOKS)

UNITED STATES OF AMERICA,)	Case No. 08MJ2533
)	
Plaintiff,)	DATE: September 2, 2008
)	TIME: 9:00 a.m.
v.)	
)	MOTION FOR STAY OF ORDER OF REMOVAL
GREGORY ALEXANDER WILSON,)	
)	
Defendant.)	

Gregory Alexander Wilson, through undersigned counsel Gregory T. Murphy and Federal Defenders of San Diego, Inc., respectfully moves this Court to stay the order of removal signed on August 28, 2008 pending consideration of Mr. Wilson's request for bond.

I.

PROCEDURAL HISTORY

Mr. Wilson was arrested on August 14, 2008 on a warrant issued out of the Eastern District of Michigan.

Although the government initially moved to detain Mr. Wilson based on risk of flight, the prosecutor conceded at the first detention hearing that conditions of release were appropriate in his case. Mr. Wilson is a United States citizen with no criminal history, no history of drug use or violence, and extensive ties to both California and Michigan. The Michigan indictment alleges Mr. Wilson conspired with seven other people to commit bank fraud but alleges no overt acts and specifies no loss amount. He is neither a danger nor a

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1 flight risk. Nonetheless, the Court set a high bond--\$30,000--and ordered that it be secured by the signatures
2 of two financially responsible adults.

3 Mr. Wilson endeavored to comply with the Court's bond. To that end, counsel submitted two
4 proposed surities to the government for consideration. The government indicated that it would not approve
5 the surities, apparently because of a drunk driving conviction. Because the Bail Reform Act does not require
6 the government's approval, because the government's objections to the surities did not seem well taken,
7 because counsel could not locate other surities, and because Mr. Wilson was terrified of the degradation he
8 might suffer while being transferred from jail to jail on the way to Michigan, counsel alerted the government
9 and the Court's clerk that it would ask the Court to approve the surities over the government's objection. In
10 the alternative, counsel planned to ask the court to modify the conditions to permit Mr. Wilson's release on
11 his own recognizance, possibly subject to electronic monitoring.

12 On August 28, 2008, over the course of approximately two hours, counsel appeared on six unrelated
13 matters before this Court. Then, with the permission of the Court's clerk, counsel went to the courtroom of
14 Magistrate Judge Stormes for a change of plea. Upon returning, counsel learned that Mr. Wilson's case had
15 been called while counsel was away, and that the Court signed an order removal without considering
16 Mr. Wilson's proposed sureties. Apparently, a Federal Defender attorney without knowledge of the case had
17 unsuccessfully moved for a continuance. The Court declined to recall Mr. Wilson's case. Instead, the Court
18 set the matter for September 2, 2008 at 9:00.

19 II.

20 MOTION

21 Mr. Wilson moves this Court to stay the order of removal pending consideration of Mr. Wilson's
22 application for bond at the hearing now set for September 2, 2008. Mr. Wilson is an excellent candidate for
23 release on conditions and the government to date has failed to articulate a legal reason he should remain
24 imprisoned. Moreover, due to a mis-communication, the Court did not have an opportunity to hear from

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1 defense counsel to become fully informed of the issues before signing its order. A stay pending consideration
2 of these issues therefore would serve the interests of justice.

3 Respectfully submitted,

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5 DATED: August 28, 2008

/s/ Gregory T. Murphy

GREGORY T. MURPHY

Federal Defenders of San Diego, Inc.

Attorneys for Gregory Alexander Wilson

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 **(HONORABLE RUBEN B. BROOKS)**

11 UNITED STATES OF AMERICA,) Case No. 08MJ2533
12 Plaintiff,)
13 v.) **CERTIFICATE OF SERVICE**
14 GARY ALEXANDER WILSON,)
15 Defendant.)

16
17 Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his
18 information and belief, and that a copy of the foregoing document has been served this day upon:

19 U.S. Attorney CR
Efile.dkt.gc2@usdoj.gov
20

21 Respectfully submitted,
22

23 DATED: August 28, 2008

24 /s/ Gregory T. Murphy
GREGORY T. MURPHY
Federal Defenders of San Diego, Inc.
Attorneys for Gary Alexander Wilson
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